

11-49-704 Recommendations of commission.

- (1)
 - (a) If the commission determines that no allegations in the complaint were proved, the commission shall:
 - (i) issue and enter into the record an order that the complaint is dismissed because no allegations in the complaint were found to have been proved;
 - (ii) provide notice of the determination at a public meeting; and
 - (iii) provide written notice of the determination to:
 - (A) the respondent;
 - (B) the first complainant named on the complaint; and
 - (C) the appropriate political subdivision.
 - (2) If the commission determines that one or more of the allegations in the complaint were proved, the commission shall:
 - (a) if one or more allegations were not found to have been proven, enter into the record an order dismissing those unproven allegations; and
 - (b) prepare a written recommendation to the applicable political subdivision governing body that:
 - (i) lists the name of each complainant;
 - (ii) lists the name of the respondent;
 - (iii) states the date of the recommendation;
 - (iv) for each allegation that was found to be proven:
 - (A) provides a reference to the statute or criminal provision allegedly violated;
 - (B) states the number and names of commission members voting that the allegation was proved and the number and names of commission members voting that the allegation was not proved;
 - (C) at the option of those members voting that the allegation was proved, includes a statement by one or all of those members stating the reasons for voting that the allegation was proved; and
 - (D) at the option of those members voting that the allegation was not proved, includes a statement by one or all of those members stating the reasons for voting that the allegation was not proved;
 - (v) contains any general statement that is adopted for inclusion in the recommendation by a majority of the members of the commission;
 - (vi) contains a statement referring the allegations found to have been proved to the appropriate political subdivision governing body for review and, if necessary, further action;
 - (vii) contains a statement referring to each allegation proven the commission's recommendation under Subsection 11-49-703(3)(a)(ii);
 - (viii) states the name of each member of the commission; and
 - (ix) is signed by each commission member.
 - (3) The commission shall provide notice of the determination:
 - (a) at a public meeting; and
 - (b) in writing to:
 - (i) the respondent;
 - (ii) the first complainant named on the complaint; and
 - (iii) in accordance with Subsection (4), the appropriate political subdivision.
 - (4) The commission shall ensure that, within five business days of the date of public issuance of the determination in accordance with Subsection (3), the following documents are provided to the political subdivision governing body:

- (a) a cover letter referring the proven allegations contained in the complaint to the political subdivision governing body for review;
- (b) a copy of the complaint;
- (c) a copy of the response; and
- (d) a copy of the commission's recommendation.

Enacted by Chapter 202, 2012 General Session